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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/926,277	09/05/1997	PAUL F VACHRIS		6715

7590

05/14/2003

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EXAMINER

ROSENBERGER, RICHARD A

ART UNIT

PAPER NUMBER

2877

DATE MAILED: 05/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/926,277

Applicant(s)

VACHRIS ET AL.

Examiner

Richard A Rosenberger

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 64-96 is/are pending in the application.
- 4a) Of the above claim(s) 82-96 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 64-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

1. The Response filed 4 December 2002 to the restriction requirement mailed 31 May 2002 is noted; the invention of claims 64-81 have been elected without traverse and without prejudice to filing the invention of claims 82-96 in a divisional application. The non-elected claims should be cancelled; such a cancellation will in no way prejudice the filing of the cancelled claims or the subject matter thereof in a divisional application.

As noted in the Response, the restriction requirement contained a typographical error, omitting mention of claims 80 and 81. As also noted in the Response, claims 80 and 81 are directed to the invention of group I, claims 64-79 in the restriction requirement, and are properly grouped with the those claims. Thus the elected claims are, as noted in the Response, claims 64-81. Any confusion or inconvenience resulting from this error is regretted.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 64-66, and 71-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaffney (WO 97/16834) in view of the discussion of prior art in the instant specification.

Gaffney shows a system which comprises an electroluminescent device (14, page 7, line 22) having an electrode (16) and a dielectric layer (page 7, lines 22-23: "separated from two electrodes by thin layers of dielectric materials") disposed next to the electroluminescent device. There is a variable resistive layer adjacent the dielectric layer (abstract: "a material or structure whose resistivity varies as a function of pressure"). There is a flexible electrode substantially covering a surface of the variable resistive layer (page 9, lines 5: "A thin, flexible conducting sheet . . ."). The system is operated by an electrical current source having one lead coupled to the two electrodes (page 5, lines 5-7; page 7, lines 24-28).

Gaffney does not disclose that the variable resistance layer can be 'comprised of conductive particles dispersed through a non-conductive medium'. The instant specification indicates that such layers are known in the art (page 15, line 2). It would have been obvious to use this type of known variable resistive layers for the variable resistive layer of the device of Gaffney because it is a "material or structure whose resistivity varies as a function of pressure" as taught by the Gaffney reference.

The instant specification notes that the various claimed electroluminescent layers claimed (various organic structures in claims 65, 72-77, and 80; inorganic in claim 66, being comprised of a light emitting layer containing light emitting particles in claims 71, 78, and 79) are per se known in the art; also Gaffney discloses the use of electroluminescent material comprised of "a dielectric layer with embedded phosphorescent particles" (page 8, lines 26-27), and notes the use of indium tin oxide (instant claim 76) is a known and usable transparent electrode (page 6, line 20). The use of any of these for the electroluminescent structures of the light structure of Gaffney would have been obvious because they are known electroluminescent materials which emit light when exposed to an electric field and for which the intensity depends on the amount of current.

4. Claims 67-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaffney (WO 97/16834) in view of the discussion of prior art in the instant specification as applied to claim 64 above, and further in view of Iwata et al (the English Abstract and Drawing figures of JP 402126381A).

Gaffney produces an image of the pressure distribution (abstract, "converts a pressure distribution into a visible image"), but does not disclose using an image detecting array to convert the image into a form usable by a computer or other electronic systems.


It is known in the art that the sort of visible image produced by a sensor of the general type disclosed by Gaffney can be detected by a CCD sensor. Iwata et al shows this; there is a light emitting body layer (15) which emits light which is directed onto a CCD detector (11). It would have been obvious to direct the light from the system of Gaffney into a CCD in the manner shown by Iwata because it is a known manner of converting the image form the light emitting body into an electrical form. While Iwata et al shows a lens (12), it would have been obvious to transfer the image to the CCD detector by direct contact when the sizes of the two are able to be made comparable.

5. Papers related to this application may be submitted to Group 2800 by facsimile transmission. The faxing of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (15 November 1989). The fax number is (703) 308-7722.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. A. Rosenberger whose telephone number is (703) 308-4804. The examiner's normal work schedule is 8:00 to 4:30 eastern time, Monday through Friday.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

R. A. Rosenberger
12 May 2003



Richard A. Rosenberger
Primary Examiner